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Hearing Date: February 25, 2019 at
11:00 a.m.

*Co-counsel to Carbon Investment Partners, LLC
and Carbon Master Fund, L.P.*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

LEE ALEXANDER BRESSLER,

Debtor.

Chapter 11

Case No. 18-13098 (MG)

**DECLARATION OF TRACY L. KLESTADT IN SUPPORT OF
MOTION OF CARBON INVESTMENT PARTNERS LLC AND CARBON MASTER
FUND, L.P. FOR AN ORDER EXTENDING TIME TO OBJECT TO
DISCHARGEABILITY OF DEBT OR DISCHARGE**

Tracy L. Klestadt, under penalty of perjury pursuant 28 U.S.C. § 1746, declares as follows:

1. I am attorney at law admitted to practice before this Court. I am a partner in the law firm known as Klestadt Winters Jureller Southard & Stevens, LLP, which serves as co-counsel to creditors Carbon Investment Partners, LLC and Carbon Master Fund, L.P. (collectively, “Carbon”) in this case. I make this declaration in support of Carbon’s motion to extend the deadline for Carbon to file (a) an objection to the dischargeability of Carbon’s debt owed by debtor Lee Alexander Bresser (“Debtor”) pursuant to 11 U.S.C. §523(a)(2) and Fed. R. Bankr. P. 4007, or (b) an objection to the Debtor’s discharge pursuant to 11 U.S.C. §727 and Fed. R. Bankr. P. 4004 to, through and including May 15, 2019 (“Deadline Date”).

2. On December 20, 2018, I contacted Sanford Rosen, Esq., counsel for the Debtor, requesting an extension of the Deadline Date for six months. Attached hereto as Exhibit A is a true and correct copy of an e-mail dated December 20, 2018 reflecting same. During a phone call on that date, Mr. Rosen orally agreed an extension limited to an additional 60 days. My contemporaneous time records reflect that the phone call took place on December 20, 2018.

3. On January 2, 2019, I forwarded a draft stipulation to Mr. Rosen reflecting the agreed extension. See Exhibit B. No response was received.

4. On February 4, 2019, I again approached Mr. Rosen requesting his signature on the stipulation reflecting his previously agreed-to extension (so it could be filed prior to the expiration of what I believed to be the 60 day deadline following the first meeting of creditors held on December 7, 2018). Attached hereto as Exhibit C is a true and correct copy of the e-mails of today's date between myself and Mr. Rosen, who responded that the Deadline Date had passed, and subsequent refused to sign the stipulation.

Dated: New York, New York
February 4, 2019

By: /s/ Tracy L. Klestadt
Tracy L. Klestadt